

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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JOHN DAVID PAMPLIN.

Plaintiff,

v.

C. LUCAS, et al.,

Defendants.

Case No. 3:20-cv-0111-MMD-CLB

ORDER DENYING MOTIONS TO COMPEL

[ECF No. 33 & 37]

Before the Court are Plaintiff John Pamplin’s (“Pamplin”) two motions to compel discovery from Defendant C. Landis aka Candis Rambur (“Rambur”).¹ (ECF Nos. 33 & 37.) Defendants have not opposed the motions as the time has not yet passed to do so, yet the motions to compel are denied as stated below.

Having reviewed Pamplin's motions, it is plain on the face of the motions that the motions must be denied because Pamplin failed to meet and confer with defense counsel prior to filing the motions. Fed. R. Civ. P. 35(a) requires a motion to compel to "include a certification that the movant has in good faith conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action." Local Rule 26-6(c) states that "discovery motions will not be considered unless the movant has (1) made a good faith effort to meet and confer as defined in LR IA 1-3(f) before filing the motion, and (2) includes a declaration setting forth the details and results of the meet-and-confer conference about each disputed discovery request."

1 (ECF No. 26.)

The object of meeting and conferring is not simply to demand that opposing counsel perform certain actions. LR IA 1-3 defines meet and confer as a “means to communicate directly and discuss in good faith the issues required under the particular rule or order.” In the case of an incarcerated individual the meet and confer requirement may be satisfied through written communication. LR I-A (f)(1).

Pamplin provided no declaration or proof that he attempted to meet and confer; therefore, Pamplin's motions to compel are denied without prejudice to refile if, after a proper meet and confer has taken place, the parties are unable to reach a resolution related to the discovery responses.

IT IS THEREFORE ORDERED that Pamplin's motions to compel, (ECF Nos. 33 & 37), are **DENIED**.

DATE: August 30, 2021

UNITED STATES MAGISTRATE JUDGE